

EXPLANATORY STATEMENT

Tariff Concessions Revocation Instrument 57/2012

Customs Act 1901

Background

Part XVA of the *Customs Act 1901* (the Act) sets out a scheme under which Tariff Concession Orders (TCOs) may be made and revoked by the Chief Executive Officer of Customs (the CEO). A free rate of customs duty applies to goods that are the subject of a TCO.

Under sections 269C and 269P of the Act, a TCO will be made if the application for the TCO meets the core criteria, that is, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

Subsection 269SD(3) of the Act provides that if the CEO is satisfied that, in making a TCO, there has been a transcription error in the description of goods the subject of the TCO including the tariff classification that is stated in the TCO to apply to the goods, the CEO may:

- make an order revoking the TCO; and
- make a new TCO in respect of goods that corrects the error.

Instrument

Tariff Concessions Revocation Instrument No 57/2012 was made on 29 September 2010. It revokes TCO 0708938 and makes TCO 1042051 because of a transcription error.

Consultation

No consultation was undertaken since the change is of a minor or machinery nature and does not substantially alter existing arrangements.

Commencement

Subsection 269SD(3) provides that the order revoking the TCO has effect from the day on which the TCO came into force and the new TCO has effect from the revocation of the old TCO.

Subsection 269SD(6) provides that section 269SD has effect despite section 12 of the *Legislative Instruments Act 2003*. Section 12 prohibits the making of certain retrospective legislative instruments.

Tariff Concession Revocation Instrument No. 57/2012 revoked 0708938 and made new TCO 1042051 on 29 September 2010.